

## For the Telegraph.

## CAPITAL PUNISHMENT.

Mr. Editor:

I acknowledge my obligation to you for the very candid manner in which you reply to my essay on capital punishment. I cannot, however, perceive the conclusiveness of your reasoning. We agree in believing that the question should be bro't for decision to the law and the testimony; yet you have unfortunately sustained yourself more by the general sentiment of mankind than by this perfect rule. By the general sentiment of mankind the penal code of the Old Testament has been disannulled, and you avail yourself of this circumstance to prove that the murderer ought not to be capitally punished. Have you shown that the penal code of the Old Testament is abrogated in the New? So far from it that you acknowledge it is not done, unless it be in the spirit of a certain questionable passage which will be considered by and by.

While you dispose of the temporal penalties of the Bible, you acknowledge the obligation of the precepts which they were designed to enforce, leaving it for human legislators to add such new penalties as they please, or no penalties at all. By abolishing the penalties of Scripture you have turned the murderer loose, with the instrument of assassination in his hand.—I call upon you to take care of him. When the hand-writing of Jewish ordinances was blotted out, gospel privileges were substituted in their room. What do you propose as a substitute for the penalties which you have abolished? Either let us have the penal code of the Old Testament, or give us a better. Something must be done with the murderer; but neither you nor I, having disclaimed expediency as a guide, will dare to inflict an unscriptural punishment. What course then shall be taken?

You say our Saviour, in his sermon on the mount, "not only allows, but plainly enjoins a mitigation of penalties under the new dispensation." But what mitigation you have not shown. Whether the murderer should be punished with the loss of an eye, or a hand, or a tooth, remains a question.

An important principle of scriptural jurisprudence is contained in a passage which you have quoted. The same principle is enjoined in other passages, particularly Deut. xix, 21; "life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot." Can human wisdom discover a better principle to govern judicial decisions in those cases of wrong which admit of no restitution? If there be a better principle, let us know what it is. If not, then let the general sentiment of mankind be moulded to this principle, and let laws be enacted accordingly.

You ask, which of our legislators think of annexing to their laws the penalties required in the passage you quote? You might as well have asked, which of them think of asking the Bible for their guide? In England the thief is punished with death, while a fine suffices for the adulterer. Reverse these penalties, and they will be according to scripture. To us the absurdity of the English law is sufficiently apparent; but is there no absurdity in sparing the adulterer, while the murderer is hung?

You ask, "Are all the temporal penalties annexed to transgression of God's righteous laws under the old dispensation, obligatory under the new?" and you say, "the universal answer is, no." Against this "universal" negative I enter my dissent. I presume however you mean civil penalties. There may be in the Old Testament a class of temporal penalties, which are rather of an ecclesiastical or religious, than of a civil character. For the infliction of these under the present dispensation I by no means contend; because the New Testament appears to me to have abrogated them, by providing other ecclesiastical penalties. But so far as penalties are needed for civil or political purposes, I insist that legislators are bound to take the penal code of the Old Testament for their guide. That code is divine, and is certainly the best that ever existed. It ought to be every where substantially adopted with only such circumstantial variations as cases may require.

To all this, Mr. Editor, you will add your Amen; unless there can be found in the New Testament an evident repeal of the law in the Old. Let us then turn to the only passage in which there is any chance to find such repeal. "Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth. But I say unto you, that ye resist not evil, but whosoever shall smite thee on this right cheek, turn to him the other also." Matt. v. 38, 39. Now, to show whether these words contain a repeal, we need only ascertain whether Christ was giving moral and religious instruction to common people, or instructing rulers and magistrates about civil penalties. It appears to me so evident that Christ was giving religious instruction to the common people, that I know not what could make it more so. It seems they had learned to abuse the judicial law to purposes of private revenge; and Christ teaches them to bear injuries without retaliating. But suppose Christ was teaching judges and rulers, and that he repealed the old penal code; then he enacted a new code, and according to this new code, the man, who injures his neighbor, is required by the judge, as the only penalty, to repeat the injury.

## REMARKS.

Our brother is certainly under a mistake, when he says that we have availed ourselves of the general sentiment of mankind to prove that the murderer ought not to be capitally punished. The general sentiment of mankind has always been, and is yet, the other way—in his favor,

not in ours; and if he will look again, he will find in the second sentence of our remarks (Tel. No. 19, pp. 74) upon his article, that we have so recognized it. The sentence reads thus: "From the days of Moses down to the present time, the public opinion of the world, with little exception, has called for the blood of the wilful murderer." It is time we adverted to the fact that human legislators in general disregard some of the Old Testament penal code; and we undertook to show the inconsistency of religiously adhering to particulars of this code while the majority of it is disregarded—for we had not, until we received and read the communication now before us, supposed that Vindex himself viewed the whole penal code delivered to Moses, to be obligatory on us. Let us now attend to that point.

He asks: "Have you shown that the penal code of the Old Testament is abrogated in the new?" We have not undertaken to show any such thing. Nor need we, for the very good reason that what was never in force needs no abrogation. And here we take the ground that the "penal code of the Old Testament" was never in any part of it binding on those who take the New Testament as guide.—Further still: We have as yet been unable to learn that it was ever, at any time obligatory on any people but the Jews.—Bear in mind to keep up the distinction between laws and penalties; and remember that we are now talking about the latter. Any law that exists in the fitness of things—that can be read in the book of nature, as plainly as in the book of revelation, is of universal obligation, at all times, resting upon all rational existence. That there are such laws, founded in natural justice, fit in the nature of things, none will deny. "Thou shalt not kill" is one of them. It is written in our hearts, and would have been read by our reason and urged by our common sense, had the Creator forever withheld revelation.

This cannot be said of penalties. Natural justice has no specified penalties. If it had had, and if one of them had been death for murder, most certainly the God of justice would have taught it to the first family by making an example of Cain.—Our God must not be charged with a violation of natural justice, notwithstanding he "turned the murderer loose, with the instrument of assassination in his hand."

In this connection we wish again to notice briefly the passage addressed to Noah: "Whoso sheddeth man's blood, by man shall his blood be shed." We suppose that those who look upon this passage as a land-mark, to be observed by all men in all ages and nations, have been led to this view of it from first identifying it, in their own minds, with what they have supposed to be eternal justice and fitness of things. They have thought that this penalty had a common origin with the law which forbids murder. The view is incorrect. The law eternally and necessarily existed in the mind of God, a component of everlasting justice, if we may be allowed so to speak, which was indicated at the very first transgression. But there was not the least indication that death was the co-existent and necessary penalty.—Not an intimation of it can be found during the first sixteen or seventeen hundred years. Thus it is most plain that, allowing that such penalty was delivered to Noah—which we are not yet prepared to allow—still it was not the necessary dictate of imperative justice, but arose out of the exigencies of the situation. From this view of the subject it will be seen that specific penalties are not of perpetual obligation, otherwise they would have been co-existent with the laws to which they are annexed. Penalties have their origin and their end in the course, not in the nature of things.

To proceed, Vindex calls on us for a substitute for the Mosaic penalty. It is at hand—found every where in the New Testament. It is forgiveness as we hope to be forgiven; and the preaching of repentance. It is good for evil—not that society should have no security against a repetition of the murderer's outrage; this can be had consistently with the preservation of his life. Let him have the Bible and an opportunity to reform and prepare for eternity. Cut not short the day of probation which God will allow him. Vengeance belongs to the Lord. Labor for his salvation, in the spirit of Christ and his apostles.

It must be acknowledged that Vindex is consistent with himself, so far as he makes the requirement of hand for hand and foot for foot equally obligatory as the requirement of life for life. When he has sustained the former, he will be able to sustain the latter. We suppose that one is equally valid with the other; and that neither of them have any validity ex-

tending to us. It is yet to be shown that either of these penalties, or any of their kindred, were ever designed for Gentiles—for any people, except the Jews under the Mosaic dispensation. "If there be a better principle"—than hand for hand, foot for foot, eye for eye, tooth for tooth, and life for life, says Vindex—"let us know what it is." Here it is: "Recompense to no man evil for evil." Suppose our neighbor should rush into our room in a rage while we are penning this article and hew off our right hand. Now to drag him forth in legal form and have the civil officer chop off his right hand as the penalty of his crime, would, in our view not only be unreasonable, inhuman, and of pernicious effect, but would be a plain violation of the above New Testament precept. It would be emphatically, and almost only, recompensing evil for evil.—We are not called upon to find out the reason why the Lord appointed certain penalties for a certain people, under certain circumstances, any more than we are to find out his reason for requiring circumcision of the same people. It is enough for us that the New Testament requires no such thing at our hands—but especially that it forbids them.

"Again: "But so far as penalties are needed for civil or political purposes, I insist that legislators ought to take the penal code of the Old Testament for their guide. That code is divine, and is certainly the best that ever existed. It ought to be every where substantially adopted with only such circumstantial variations as cases may require." Indeed, good brother! And what are the "circumstantial variations" that "cases may require?" Where do you get permission to make "circumstantial variation" from your "divine code?" In Paley's book of expediency, we suppose. Certainly not in the Divine Book. To that, there must be no addition; from it, there must be no subtraction—not a jot—not a tittle—not an iota. If the Old Testament penal code comes to us with divine authority—and it surely does, if it comes to us at all—then we are in duty bound to make our statute read, "blemish for blemish—eye for eye." But our kind brother has afforded us some relief from his previous requirements. When he points out the limits of his circumstantial variations, we shall be prepared to proceed with him in the discussion.

## From the Temperance Recorder.

## TEMPERANCE ALMANAC FOR 1837.

At the semi-annual meeting of the New York State Temperance Society, held in the city of Buffalo, July 9th, 1835, the following resolution was adopted:

"Whereas, an Almanac has been found one of the most efficient publications for extending the knowledge of temperance in family circles; therefore,

"Resolved, That the Executive Committee of N. York State Temperance Society be requested to prepare an Almanac annually, advocating the great and safe principle of total abstinence from all intoxicating liquor as a drink, and to make such efforts as may be in their power, to place a copy of it in every family in the nation."

At the annual meeting of the society, held in Albany the 11th of February, the Executive Committee submitted the Almanac prepared in compliance with the instruction of the Society, and by an unanimous vote, the Rev. Eliphalet Nott, D. D. President of Union College, Schenectady, the Rev. Dr. Justin Edwards, Sec'y. of the American Temperance Society, and the Rev. John Hough, Professor of Languages Middlebury, Vt. were appointed a committee to report to the Society on the Almanac.

The following is the report of the committee, which was unanimously adopted by the society:

"The committee to whom the Temperance Almanac for the year 1837, prepared by the Executive Committee of the New York State Temperance Society, was assigned for examination, have performed that duty, and find the document well adapted to the purpose for which it was intended. It is in their view, sound in its statements; it comprises much suited to seize the attention, to inform the judgment, and decidedly favorable to affect the conduct; and if placed in every family throughout the nation, it cannot fail to exert an influence most auspicious to the cause of temperance, and to all the great interests of the country."

In behalf of the committee,  
JOHN HOUGH, Chairman.  
Albany, February 13, 1836.

The above-named Almanac is now ready for delivery. It is calculated for all parts of the Union and Canada. No labor has been spared to render it correct and valuable as a tract. The Executive Committee cannot think of a more efficient mode of promoting the cause than by placing a copy in every family in the Union. Should state, county and town societies undertake its circulation in each family, the result could not but be beneficial.—The pages are somewhat larger than the Almanac for 1836, and the Executive Committee have reduced the price to \$10 the 1000—ONE CENT EACH.

**BURNING OF THE TREASURY OFFICE AT WASHINGTON.**—We published yesterday, exclusively, an account of the arrest of a person suspected of having been concerned in setting fire to the Treasury Office about three years ago. Since his apprehension, we understand his wife has also been arrested in Sussex county, N. Jersey, on a warrant granted by Judge Baldwin, at Philadelphia, to which city she has been conveyed for examination touching her knowledge of the affair.—Three months since we were informed of all the circumstances connected with this business, but under an injunction of secrecy which prevented our giving them to the public, and as the injunction has not yet been entirely removed, we are only now at liberty to state, that three persons were concerned in the crime, to which they were instigated by an individual filling a high station in society, Judge Temple, who, our readers may recollect, committed suicide by shooting himself at his residence near Montpelier, Vermont, in consequence of a discovery having been made that he had defrauded the United States Treasury to an immense amount by means of forged claims for revolutionary pensions. Finding that his fraud must inevitably be discovered, he engaged these persons under a promise of a large reward, to commit the arson, in the hope that the fire would destroy every trace of his guilt. In this, however, he was disappointed; the most valuable papers and vouchers of the Treasury Department were rescued from the flames, and among them the proofs of his delinquency.

Upwards of a year ago one of the incendiaries was arrested at Syracuse, in this state, by Mr. G. Finch, a police officer of Newark, N. J., on a charge of forgery committed on three of the banks at Philadelphia; but on his way to that city he contrived to elude the vigilance of the officer and made his escape. Knowing, however, that he must be eventually taken, he made a virtue of necessity and voluntarily surrendered himself under the hope of pardon, to secure which, he communicated to the police all the circumstances in relation to the burning of the Treasury office at Washington, admitting that he was *particeps criminis*, and thro' his exertions, the actual incendiary and his other accomplice have been apprehended, and are now on their way to Washington.

When we are permitted by our informant, we shall give a more circumstantial detail of the occurrence; for the present the above statement must suffice.—*New-York Times.*

A Temperance Monthly Concert has been established in a certain part of New-England, where the opposition to the reformation has been peculiarly strong—and a similar concert has been recommended for other places where the work meets with the like obstacles.—*Temp. Int.*

## From the Emancipator.

## ANNIVERSARY OF THE AMERICAN ANTI-SLAVERY SOCIETY.

The third anniversary of the American Anti-Slavery Society will be held (with divine permission) on Tuesday, May 12th, at 10 o'clock A. M. in the city of N. Y.—An abstract of the Annual Report will be read, and addresses are expected from several gentlemen. Auxiliary Societies are requested to send delegates, and it is hoped every auxiliary will be represented. The friends of the cause throughout the Union are invited to attend. Delegates are requested to report their names at the Society's Rooms, No. 144 Nassau street, immediately on their arrival in the city.

A meeting of the delegates will be held on the day previous to the Anniversary, at 4 o'clock P. M. There will be meetings of the Society for business after the Anniversary, during two or more days.

JOHN RANKIN, } Committee  
LEWIS TAPPAN, }  
SIMEON S. JOCELYN, } Arrangements.  
New-York, March 14, 1836.

## MARRIED.

In this village, on the 30th ult., Mr. Seth B. Weeks, of Pawlet, to Miss Fanny W., daughter of Seth Keeler.

Also, on the evening of the 6th inst. by Mr. Thomas, Mr. Barnard McConnell, merchant, of Rutland, to Miss Almira, daughter of W. H. Keeler.

## DIED.

In Orwell, March 26th, Elizabeth, wife Daniel Buel, aged 74.

In Shoreham, April 9th, Emeline, wife of Wm. A. Hitchcock.

In Granville, N. Y. February 8th, ELIZABETH HAYNES, wife of the late Lemuel Haynes, in the 72d year of her age.

## LIST of letters remaining in the Post-Office at Moriah, N. Y., April 1, 1836.

Armstrong Jewit	Jenkins Rensselaer
Adams Amos	Johnson Roswell
Allen Abel	Jewitt Jacob
Brown Ovid	Kidder Maynard
Betts Bartlett 2	King John
Brady John	Kidder Thompson
Barker Samuel	Lansing J. D. 2
Brooks Bazaleel	Lindsay Hannah
Bullard Isaac J.	Locke Lucinda
Cummins Benjamin	Loomis Wareham
Calhoun Luther	Miller Henry
Colburn Asa	Moory Benjamin
Cole John	McFarland Wm. 2
Cook Jeremiah	Miner Lewis
Calkins Isaac	Northrup Lyman
Dickerson Joseph	Port Henry Iron Co.
Doty Charles	Potter John Jr.
Doud John	Potter Jonathan
Edgerton Spencer	Parker James
Edgerton John F.	Richards John
Fisk David	Race Sally
Folsom Sarah B.	Sanford Lydia
Farnam Ira	Shipard & Clark
Fish Mark F.	Shepard Z. R. 3
Gillet Israel	Swift Clara
Havens Samuel T.	Smith Hulda
Himes James M.	Strong Henry
	Scoville Eunice

Hendee Jonathan  
Havens George  
Hyde Bowman  
Howe Ammi  
Irvin David  
Imers Sarah  
29

Tremball Orin  
West Joseph H.  
Whitral Wilam  
Witherell Darius  
Witherell David 2  
White Elial M.  
P. M.

## NEW PUBLICATIONS.

Can the Publisher of the following work spare us No. 1?

## PROSPECTUS OF THE CABINET OF FREEDOM.

To all who note the signs of the times, it must be obvious that the character and consequences of American slavery, the plans proposed for its removal, and the influence of those plans on the union and prosperity of the nation, are to become topics of general and absorbing interest. It is natural and proper that the citizens of a free country should carefully investigate the nature of an institution necessarily affecting the moral and political welfare of themselves and their posterity, and should anxiously inquire what conduct respecting it is required by duty and prudence. Discussion has been excited and will not and cannot be suppressed. In the social circle, and in the crowded assembly, in the pulpit, and in the legislative hall, slavery is the theme of frequent and earnest inquiry; and the press is pouring forth its multitudinous publications on the same momentous topic.

The subscriber flatters himself that by collecting in a cheap but neat form, the most valuable and instructive works relating to the great subject that is now agitating the whole country, he will not only gratify the prevailing thirst for information, but also promote the cause of truth and justice.

The Cabinet will comprise both original and selected articles, embracing, among other topics, the history of the legal abolition of the African slave-trade—the history and consequences of emancipation in the British West India Islands—the past and present state of St. Domingo—discussions on the lawfulness of slavery—the actual condition of the slaves in the United States, and an examination of the various modes of emancipating them which have been recommended.

The selections will from time to time be made by gentlemen whose names will be given to the public, and who will be responsible for the general character of the articles, but not for all the opinions and assertions they may contain.

As the Cabinet of Freedom will be devoted to subjects connected with slavery, its name may be thought singularly inappropriate to its contents. The incongruity, however, is only apparent, since the subscriber trusts that the Cabinet will exert an influence favorable to the cause of immediate and universal emancipation.

The Cabinet will appear regularly every two weeks, commencing in March, 1836. Each number will contain 48 pages duodecimo, and will be sold in numbers, if required, at 6 1/4 cents, except when illustrated with engravings, the price of such numbers will be increased according to the expense of the engraving.

Terms two dollars per annum, payable in advance. The Hon. Wm. Jay, Rev. Prof. Bush, of the New York University, and Gerrit Smith, Esq., have consented to select the articles for the first four volumes of the Cabinet. All communications for the Cabinet of Freedom, to be addressed to

JOHN S. TAYLOR,

Bookseller, New York.

## PROSPECTUS.

## THE

## NEW YORK DISCUSSION.

## CHRISTIANITY VERSUS INFIDELITY.

CHARLES H. JACKSON, & CO.  
PERIODICAL PUBLISHERS,  
No. 17, Ann Street, New York.

HAVE in press, and will immediately publish in numbers of twenty-four pages, octavo, embellished with plates, price 12 1/2 cents, the late interesting and important discussion between Dr. Sleigh, in support of Christianity, and the Delegates of the Tammany Hall Society, and of other Sceptics, in defence of Infidelity. This discussion which produced, and kept up a theological excitement, hitherto unparalleled in the city of New York, commenced Nov. 11th, 1835, and terminated Feb. 18th, 1836. The substance of the arguments both of Dr. Sleigh and his opponents was faithfully and impartially taken down on the spot, and has been carefully revised, so that this publication will contain the arguments and objections of both parties. Moreover, Dr. Sleigh will add copious critical, historical, and explanatory notes, and also numerous incontrovertible arguments in favor of Divine Revelation, some of which, it is thought, will be found to be original and never before published, rebutting and refuting the most powerful objections of all the Infidels that ever lived.

The Publishers, in soliciting patronage for this work, present herewith the "Introduction," which furnishes many interesting particulars respecting the discussion. They also subjoin some articles which appeared in the public papers during its progress.

If any other proof of the importance of the arguments advanced by Dr. Sleigh were necessary than the glorious and triumphant result of the "Discussion," it is presumed that the testimonials of the most eminent clergymen and other distinguished gentlemen of New York herein contained, would suffice.

## CONDITIONS, &amp;c.

The work will be printed on good paper, with new type, and each number will contain twenty-four octavo pages. The

volume will be embellished with a portrait of Dr. Sleigh, and at least four other engravings. One number, it is expected, will be published each week, and the work will probably be completed in fifty numbers. The numbers will be delivered to subscribers in this city, immediately after their publication; and will in like manner be transmitted by mail to subscribers in any part of the United States, at the cost and risk of the publishers. The price, twelve and a half cents each number, will be expected on delivery, and subscribers at a distance must make payment in advance, or refer to some person in this city, who will pay.

Publishers in every part of the Union will be supplied, on such terms that they can employ persons to canvass for subscribers; and copies of this Prospectus will be transmitted to any who may order them.

A copy of the Discussion will be given to the Editor of each newspaper or periodical who notice the work, and send a copy of such notice to

CHARLES H. JACKSON & Co.,  
No. 17 Ann-street, N. Y.

\* Introduction—origin of the Discussion &c. next week.—[Ed. TEL.]

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PARLEY'S THEOLOGY, *Fourth Edition*, illustrated with Forty Plates, and a selection from the Notes of Dr. Paxton.—With additional Notes, original and selected, for the Edition, with a vocabulary of scientific terms. Edited by an eminent Physician of Boston.

YOUNG LADIES' CLASS BOOK. A selection of Lessons for Reading, in Prose and Verse. By Ebenezer Bailey, Principal of the Young Ladies' High School, Boston.

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ELEMENTS OF MORAL SCIENCE: by Francis Wayland, D. D., President of Brown University, and Professor of Moral Philosophy. Abridged and adapted to the use of Schools and Academies, by the Author. New work.

THE CLASS BOOK OF NATURAL THEOLOGY: or the Testimony of Nature to the Being, Perfections, and Government of God, by the Rev. Henry Ferguson; revised, enlarged, and adapted to Paxton's Illustrations, with Notes, selected and original, biographical notices, and a vocabulary of scientific terms, by the Rev. Chas. Henry Alden, A. M., Principal of the Philadelphia High School for Young Ladies. New work.

FIRST LESSON IN INTELLECTUAL PHILOSOPHY. Adapted to the use of Schools. By Rev. Silas Blaisdell.

BALBI'S GEOGRAPHY. The subscribers invite the attention of Teachers to a work just published by them, entitled *An Abridgment of Universal Geography, Modern and Ancient*, chiefly compiled from the *Abregé de Géographie* of Adrian Balbi. By T. G. Bradford, accompanied by a splendid Atlas, and illustrated by Engravings.

THE NATIONAL ARITHMETIC, combining the Analytic and Synthetic Methods, in which the principles of Arithmetic are explained in a perspicuous and familiar manner; containing, also, practical systems of Mensuration, Gauging, Geometry, and Book-keeping, forming a complete Mechanical Arithmetic, designed for Schools and Academies in the United States. By Benjamin Greenleaf, A. M., Preceptor of Bradford Academy. New work.

PRONOUNCING BIBLE. By Israel Alger, Jr., in which all the proper names, and many other words are accented, to lead to a correct pronunciation.

G. K. & L.—have constantly on hand an assortment of all School Books, in general use, which they can furnish in any quantities to Traders, on the *lowest terms*. 29—3m.

## FARMERS' BANK.

NOTICE is hereby given to the stockholders of the Farmers' Bank, that a payment of five dollars on each share of the capital stock of said Bank, must be made on the 13th day of July next, at their Banking-house in Orwell.

By order of the Directors,  
P. M. CORBIN, Cash'r.  
Orwell, April 12, 1836. 29-3.

## INFORMATION WANTED.

OF EARL W. MEAD, about thirty-two years of age, who left Castleton about ten years ago. He went from this place to New-Haven, in Connecticut, and has not been heard of in seven years.—Whoever will give information of the said Earl W. Mead, by letter or otherwise, will confer a favor on his father.

REED MEAD,  
Castleton, Rutland Co., Vt.